

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

KELLY LEINERT, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Cause No. 4:14-cv-01719 - CEJ
)	
SAINT LOUIS COUNTY, MISSOURI,)	
et al.,)	
)	
Defendants.)	

**DEFENDANT ST. LOUIS COUNTY'S MOTION TO COMPEL DISCOVERY AND
MOTION TO AMEND CASE MANAGEMENT ORDER**

Comes Now, Defendant St. Louis County, through counsel, and for its Motion to Compel Discovery and Motion to Amend Case Management Order, states:

1. Discovery closes in this matter on January 9, 2016. First Amended Case Management Order, para. 4, Doc. #36, with dispositive motions to be filed by February 1, 2016. Case Management Order, para. 5, Doc. #18.

2. Defendant has propounded written discovery, consisting of six pleadings, a set of interrogatories and requests for production of documents to each of the three Plaintiffs, answers of which were all due, after an agreed extension with then lead counsel Brandy Barth, on or before December 21, 2015.

3. No answers have been delivered to the undersigned.

4. Despite the December 21, 2015 agreed upon extended deadline, Plaintiffs now refuse to provide written discovery responses until such time as this Court rules upon Plaintiffs' Motion for Stay and Request for Order to Show Cause, filed December 29, 2015

at 1:45 a.m. Doc. #43. Defendant County denies all allegations in Plaintiff's Motion, and will respond to Plaintiff's Motion on or before January 5, 2016. Local Rule 7-4.01(B).

5. Defendant has noticed the depositions of the three Plaintiffs on three successive days, beginning Tuesday, January 5, 2016.

6. Plaintiffs also refuse to appear at the depositions until such time as this Court rules upon Plaintiffs' Motion for Stay and Request for Order to Show Cause. Doc. #43.

7. Furthermore, on a non-related matter, a TRO was filed against Defendant St. Louis County on December 29, 2015 at 4:26 p.m., served at approximately 4 p.m. on December 30, 2015, and set for hearing in Division 19 of the St. Louis County Circuit Court on Wednesday, January 6, 2016 at 9 a.m. *St. Louis Ass'n of Realtors v. St. Louis County, et al.*, 15SL-CC04443. Undersigned counsel was apprised of the lawsuit just before the filing of this Motion, and he will be representing Defendant County on this matter.

8. As a result of Plaintiffs' refusals to provide discovery, as well as the pending press of business, Defendant County respectfully requests an amendment to the Case Management Order, as well as an Order compelling Plaintiffs to respond to the written discovery responses and produce themselves for deposition.

9. Pursuant to Local Rule 37-3.04, undersigned counsel states that he has made reasonable efforts to confer by telephone with opposing counsel by telephoning counsel at 2:48 p.m. and 3:37 p.m. this date, to no avail. Furthermore, undersigned counsel made reasonable efforts to resolve this dispute by emailing opposing counsel numerous times this week, to wit: Opposing counsel has stated he refuses to provide the discovery and Plaintiffs for deposition in emails dated 12/29/15 at 5:53 p.m., 5:54 p.m., and 6:14 p.m., and on

12/30/15 at 11:44 a.m. Undersigned counsel's efforts have been sincere, and asserts that a telephone conversation would be fruitless, due to the fact that opposing counsel has repeatedly insisted on this Court's ruling on Plaintiffs' Motion to Stay\Show Cause prior to producing discovery and Plaintiffs for deposition.

WHEREFORE, Defendant County prays this Court enter its Order:

- a. For Plaintiffs to fully answer Defendant's written discovery by January 5, 2016, or at least one week prior to the deposition of Plaintiff Kelly Leinert, whichever is later;
- b. For Plaintiff Kelly Leinert to produce herself for deposition on Tuesday, January 12, 2016 at 9 a.m. at 7900 Forsyth, Room B-129, Clayton, MO 63105;
- c. For Plaintiff G.L. to produce himself for deposition on Wednesday, January 13, 2016 at 9 a.m. at 7900 Forsyth, Room B-129, Clayton, MO 63105;
- d. For Plaintiff J.L. to produce himself for deposition on Thursday, January 14, 2016 at 9 a.m. at 7900 Forsyth, Room B-129, Clayton, MO 63105;
- e. For an extension of the deadline to file dispositive motions to February 14, 2016, with responses due by March 13, 2016 and any reply by March 27, 2016; and
- f. For such other and further relief as the Court deems just and proper.

Respectfully Submitted,

PETER J. KRANE,
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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing was served electronically via this Court's Electronic Filing System to all counsel of record on December 31, 2015:

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